

COMMONWEALTH OF MASSACHUSETTS
State Building Code Appeals Board
Board's Ruling on Appeal¹

Docket No. 08-604

Appellant(s): Marilyn Oliveira vz. Appellee(s): City/Town of Fall River
James D. Aguiar, Jr.

Procedural History

This matter came before the State Building Code Appeals Board ("Board") on the Appellant's appeal filed pursuant to 780 CMR 122.1. In accordance with 780 CMR 122.3, Appellant requested that the Board grant him a variance from 780 CMR 1010.0 Number of Exits, of the Massachusetts State Building Code (MSBC) for 1267 N. High Street, MA. In accordance with GL c. 30A, §§10 & 11; GL c. 143, §100; 801 CMR 1.02 *et. seq.*; and 780 CMR 122.3.4, the Board convened a public hearing on July 22, 2008 where all interested parties were provided with an opportunity to testify and present evidence to the Board.

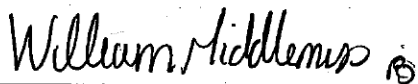
The Appellant appeared for the hearing *pro se*. Present also was James D. Aguiar, Jr.

Discussion

A motion was made to deny the Appellant's request for a variance from 780 CMR 1010.0 Number of Exits, of the MSBC based upon the fact the new addition should have included appropriate means of egress for the existing structure. It was noted that fire escapes have been allowed by the board in the past but typically in cases where existing structures are not modified. The board vote on this motion was unanimous.

Conclusion

The Appellant's request for a variance from 780 CMR 1010.0, Number of Exits, is hereby denied and so ordered² on this date: July 22, 2008.



William Middlemiss



Brian Gale



Alexander MacLeod

¹ This is a concise version of the Board's decision. You may request a full written decision within 30 days of the date of this decision. Requests must be in writing and addressed to: Department of Public Safety, State Building Code Appeals Board, Program Coordinator, One Ashburton Place, Room 1301, Boston, MA 02108

² In accordance with M.G.L. c. 30A, §14, any person aggrieved by this decision may appeal to the Superior Court within 30 days after the date of this decision.